

§ 155.100

AUTHORITY: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3703; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Sections 155.100 through 155.130, 150.350 through 155.400, 155.430, 155.440, 155.470, 155.1030(j) and (k), and 155.1065(g) are also issued under 33 U.S.C. 1903(b). Section 155.490 also issued under section 4110(b) of Pub. L. 101-380. Sections 155.1110 through 155.1150 also issued under 33 U.S.C. 2735.

NOTE: Additional requirements for vessels carrying oil or hazardous materials are contained in 46 CFR parts 30 through 40, 150, 151, and 153.

Subpart A—General

SOURCE: CGD 75-124a, 48 FR 45714, Oct. 6, 1983, unless otherwise noted.

§ 155.100 Applicability.

(a) Subject to the exceptions provided for in paragraph (b) and (c) of this section, this part applies to each ship that:

(1) Is operated under the authority of the United States, wherever located; or

(2) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

(b) This part does not apply to:

(1) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in non-commercial service; or

(2) Any other ship specifically excluded by MARPOL 73/78.

(c) Section 155.480 applies to each tank vessel with a cargo capacity of 1,000 or more cubic meters (approximately 6,290 barrels), loading oil or oil residue as cargo that is operated under the authority of the United States, wherever located, or operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 90-071a, 62 FR 48773, Sept. 17, 1997]

§ 155.110 Definitions.

Except as specifically stated in a section, the definitions in part 151 of this

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chapter, except for the word “oil”, and in part 154 of this chapter, apply to this part. The following definition also applies to this part:

Merchant mariner credential or MMC means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner’s document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner’s qualification document, certificate of identification, and certificate of service.

[USCG-2006-24371, 74 FR 11212, Mar. 16, 2009]

§ 155.120 Equivalents.

(a) For ships required to be surveyed under §151.17 of this chapter, the Commandant may, upon receipt of a written request, allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by both MARPOL 73/78 and subpart B of this part if such fitting, material, appliance, or apparatus is at least as effective as that required by subpart B. Substitution of operational methods to control the discharge of oil in place of those design and construction features prescribed by MARPOL 73/78 that are also prescribed by subpart B of this part is not allowed.

(b) Any equivalent to a feature prescribed by MARPOL 73/78 that is authorized for a ship having an IOPP Certificate is noted on that Certificate.

(c) For tank vessels required to have overfill devices installed under parts 155 and 156 of this chapter, the Commandant may, upon receipt of a written request, allow any fitting, material, appliance, or apparatus to be fitted in a tank vessel as an alternative to the required overfill device(s) that are specified in these parts if the proposed alternative device is at least as effective as that required in the regulations.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 90-071a, 59 FR 53290, Oct. 21, 1994]

§ 155.130 Exemptions.

(a) The Commandant grants an exemption or partial exemption from

compliance with any requirement in this part if:

(1) A ship operator submits a written request for an exemption via the COTP or OCMI thirty (30) days before operations under the exemption are proposed unless the COTP or OCMI authorizes a shorter time; and

(2) It is determined from the request that:

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution; and

(iii) The likelihood of discharges occurring as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and the reasons for the exemption and proposed procedures, methods, or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An oceangoing ship is not given an exemption from the requirements of subpart B of this part unless the ship is a hydrofoil, air cushion vehicle or other new type of ship (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of subpart B relating to construction and equipment unreasonable or impractical. The construction and equipment of the ship must provide protection equivalent to that afforded by subpart B of this part against pollution, having regard to the service for which the ship is intended.

(e) An exemption is granted or denied in writing. The decision of the Commandant is a final agency action.

NOTE TO §155.130: Additional exemptions/temporary waivers related to *salvage* and *marine firefighting* requirements can be found in §155.4055.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990; USCG-1998-3417, 73 FR 80648, Dec. 31, 2008]

§ 155.140 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, it is available for inspection at the Coast Guard, Office of Vessel Activities, (CG-543), 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581, 202-372-1251. Approved material is available from the sources indicated in this section.

(b) *American National Standards Institute, Inc. (ANSI)*, 25 West 43rd Street, New York, NY 10036, 212-642-4980, <http://www.ansi.org/>:

(1) ANSI A10.14, Requirements for Safety Belts, Harnesses, Lanyards and Lifelines for Construction and Demolition Use, 1991 ("ANSI A10.14"), incorporation by reference approved for §155.230.

(2) [Reserved]

(c) *American Society for Testing and Materials (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585, <http://www.astm.org/>:

(1) ASTM F 631-93, Standard Guide for Collecting Skimmer Performance Data in Controlled Environments ("ASTM F 631-93"), incorporation by reference approved for Appendix B.

(2) ASTM F 715-95, Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage ("ASTM F 715-95"), incorporation by reference approved for in Appendix B.

(3) ASTM F 722-82 (1993), Standard Specification for Welded Joints for Shipboard Piping Systems ("ASTM F 722-82"), incorporation by reference approved for Appendix A and Appendix B.

(4) ASTM F1413-07, Standard Guide for Oil Spill Dispersant Application Equipment: Boom and Nozzle Systems,